

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.114 and in light of the remarks which follow, are respectfully requested.

At the outset, Applicants note with appreciation the indication that claim 34 is allowed, and claims 35 and 36 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims (Official Action at page 5).

By the above amendments, claim 34 has been amended to correct an obvious typographical error. New claim 42 has been added which recites that the layer of photochemically stable azodye in an isotropic phase is formed on a flexible polymeric carrier sheet prior to being deposited on the substrate. Support for such new claim can be found in the instant specification at least at page 10, lines 1-19. Entry of the foregoing amendments is proper at least because a Request for Continued Examination is being filed herewith. See 37 C.F.R. §1.114.

In the Official Action, claims 20-31, 38 and 41 stand rejected under 35 U.S.C. §102(b) as being anticipated by an English translation of Japanese Patent Document No. 10-333154 (*JP '154*). Claim 37 stands rejected under 35 U.S.C. §103(a) as being obvious over *JP '154*. Withdrawal of the above rejections is respectfully requested for at least the following reasons.

JP '154 does not disclose or suggest depositing a layer of photochemically stable azodye in an isotropic phase on a substrate, as recited in independent claim 20. There is simply no recognition or suggestion of the use of a photochemically stable azodye as presently claimed.

In this regard, the Patent Office has taken the following position at page 4 of the Official Action:

In the case of Kunihiro, the orientation of the molecules is changed (and can be reversed) but a chemical reaction is not occurring since the orientation can be reversed to the original state. It is a change in state not in the chemical composition.

Thus, the Patent Office has taken the position that the chemical change which occurs in the compounds disclosed by *JP '154*, is not a chemical reaction because (1) it is reversible, and (2) it only involves a rearrangement of atoms of the disclosed compounds. However, it is well understood that a chemical reaction can be reversible or irreversible. The fact that a chemical change is reversible does not necessarily preclude such change from being a chemical reaction. Secondly, the rearrangement of atoms of a compound, even without a net change in the overall atomic composition (e.g., isomerization), is widely accepted as a type of chemical reaction.

As discussed in the previous response, the recited photochemically stable azodye is a substance that does not undergo a chemical reaction when exposed to light, i.e., such substance does not undergo a structural change within a molecule when exposed to light. By comparison, the compounds employed in *JP '154* undergo a reversible change in their molecular structure upon optical exposure and are referred to as optically activated molecules. Note paragraph [0018] and [0020] on page 6 of the machine translation. While *JP '154* specifies that the molecular structural change is reversible, such change is nevertheless a structural one within a molecule. Moreover, as discussed above, a reversible chemical reaction is nevertheless a chemical reaction. The recited photochemically stable characteristic excludes such compounds of *JP '154* which undergo a reversible change in their molecular structure upon optical exposure. Thus, it is clear that such azo compounds

disclosed by *JP '154* are not the same as or suggestive of the recited photochemically stable azodye.

For at least the above reasons, it is apparent that *JP '154* neither anticipates nor renders obvious the method of claim 20. Accordingly, withdrawal of the above rejections is respectfully requested.

It is noted that newly added dependent claim 42 is further distinguishable from *JP '154*. For example, *JP '154* does not disclose or suggest that the layer of photochemically stable azodye in an isotropic phase is formed on a flexible polymeric carrier sheet prior to being deposited on the substrate.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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